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Hertel	Minish	Sharp
Hightower	Mitchell	Shaw
Hier	Molinari	Shelby
Hopkins	Montgomery	Shumway
Howard	Moody	Shuster
Hubbard	Moore	Sikorski
Huckaby	Moorhead	Siljander
Hughes	Morrison (CT)	Skeen
Hutto	Mrazek	Slattery
Ireland	Murphy	Smith (FL)
Jacobs	Myers	Smith (IA)
Jones (OK)	Natcher	Smith (NE)
Jones (TN)	Neal	Smith (NJ)
Kasich	Nelson	Smith, Denny
Kastenmeier	Nichols	Smith, Robert
Kordecki	Nielson	Snowe
Kotler	Nowak	Snyder
Kramer	Oaker	Solomon
LaFalce	Oberstar	Spence
Lagomarsino	Obey	Spratt
Lantos	Olin	Staggers
Leach	Ortiz	Stangeland
Leath	Owens	Stenholm
Lehman (CA)	Oxley	Stokes
Leland	Packard	Studds
Lent	Panetta	Stump
Levin	Pashayan	Tallon
Levine	Patman	Tauzin
Levinson	Patterson	Thomas (CA)
Lewis (FL)	Paul	Thomas (GA)
Lloyd	Penny	Torres
Long (MD)	Petri	Torricelli
Lott	Pickle	Towns
Lowry (WA)	Pursell	Udall
Lujan	Rangel	Valentine
Lukens	Ratchford	Vandergriff
Lundgren	Ray	Vucanovich
Lunsford	Richardson	Walker
Mack	Ridge	Walker
MacKay	Rinaldo	Watkins
Markley	Ritter	Waxman
Matheson	Roberts	Weaver
Marriott	Robinson	Weber
Martin (IL)	Rodino	Wells
Martin (NY)	Roe	Whittaker
Martinez	Roemer	Whitten
Mazzoli	Rogers	Wilson
McCandless	Roth	Winn
McCloskey	Roukema	Wirth
McCollum	Rowland	Wise
McCurdy	Rudd	Wolpe
McEwen	Russo	Wortley
McGrath	Sabo	Wyden
Mica	Savage	Wyllie
Mikulski	Schaefer	Yatron
Miller (CA)	Schroeder	Young (AK)
Miller (OH)	Schulze	Young (FL)
Mineta	Seiberling	Zachau

## NOT VOTING—13

Derrick	Hansen (ID)	Sensenbrenner
Dymally	Harrison	Shannon
Erlenborn	Hawkins	Stark
Ford (TN)	Kaptur	
Hall (OH)	Moakley	

□ 1140

Mr. BIAGGI changed his vote from "yea" to "nay."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REQUEST FOR CONSIDERATION OF H.R. 5950, INCREASED CONTRIBUTION FOR QUADRENNIAL POLITICAL PARTY PRESIDENTIAL NATIONAL NOMINATING CONVENTION

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 5950) to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mrs. MARTIN of Illinois. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5835

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from New York (Mr. KEMP) be withdrawn as a cosponsor of my bill, H.R. 5835.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL 5 O'CLOCK, JULY 16, 1984 TO FILE REPORT ON H.R. 5640, SUPERFUND EXPANSION AND PROTECTION ACT

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to file a report on H.R. 5640, the Superfund Expansion and Protection Act, by 5 o'clock on July 16, 1984. I would like to advise that the minority agrees.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5155) to establish a system to promote the use of land remote-sensing satellite data and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. OTTINGER. Reserving the right to object, Mr. Speaker, I will not object, but I would like to enter into a colloquy with the gentleman from Florida and acknowledge the excellent work that he, as chairman of the House Committee on Science and Technology and his committee has done in drafting H.R. 5155, which among other things, establishes a framework for the phased commercialization of remote sensing satellite systems.

It is on that bill that I would like to engage the gentleman in a colloquy.

Mr. FUQUA. I will be happy to do so. I would first of all like to say that certainly the Energy and Commerce Committee has cooperated very fully, and we recognize that they have exclu-

sive jurisdiction over the Federal Communications Commission, and the exercise of the FCC's authority pursuant to the Communication Act of 1934 in formulating an approach to the phased commercialization of remote sensing satellite systems and it will promote the use of data from those satellite systems.

Mr. OTTINGER. I thank the gentleman for his kind comments. Section 606 of H.R. 5155 instructs the Federal Communications Commission in the exercise of the authority it has under the Communications Act of 1934 to allocate radio spectrum for nongovernmental use. I too, am pleased that our committees were able to work together to create a balanced framework in which the FCC might exercise its authority with respect to nongovernmental commercial remote sensing systems. I would like to pose two questions to my good friend from Florida:

First, am I correct under the framework established in the bill, private parties may be authorized to operate commercial remote sensing systems, and second, am I also correct that any such private party seeking to operate a commercial remote sensing system must file an application with the FCC to obtain approval to utilize an appropriate portion of the radio spectrum?

Mr. FUQUA. I would say to my friend from New York that in both cases the gentleman is correct.

Mr. OTTINGER. I thank the gentleman for his assurance, and assure him support of my bill.

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the material proposed to be inserted by the Senate Amendment, insert the following: That this Act may be cited as the "Land Remote Sensing Commercialization Act of 1984".

#### TITLE I—DECLARATION OF FINDINGS, PURPOSES, AND POLICIES

##### FINDINGS

Sec. 101. The Congress finds and declares that—

(1) the continuous civilian collection and utilization of land remote-sensing data from space are of major benefit in managing the Earth's natural resources and in planning and conducting many other activities of economic importance;

(2) the Federal Government's experimental Landsat system has established the United States as the world leader in land remote-sensing technology;

(3) the national interest of the United States lies in maintaining international leadership in civil remote sensing and in broadly promoting the beneficial use of remote-sensing data;

(4) land remote sensing by the Government or private parties of the United States affects international commitments and policies and national security concerns of the United States;

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(5) the broadest and most beneficial use of land remote-sensing data will result from maintaining a policy of nondiscriminatory access to data;

(6) competitive, market-driven private sector involvement in land remote sensing is in the national interest of the United States;

(7) use of land remote-sensing data has been inhibited by slow market development and by the lack of assurance of data continuity;

(8) the private sector, and in particular the "value-added" industry, is best suited to develop land remote-sensing data markets;

(9) there is doubt that the private sector alone can currently develop a total land remote-sensing system because of the high and large capital expenditure involved;

(10) cooperation between the Federal Government and private industry can help assure both data continuity and United States leadership;

(11) the time is now appropriate to initiate such cooperation with phased transition to a fully commercial system;

(12) such cooperation should be structured to involve the minimum practicable amount of support and regulation by the Federal Government and the maximum practicable amount of competition by the private sector, while assuring continuous availability to the Federal Government of land remote-sensing data;

(13) certain Government oversight must be maintained to assure that private sector activities are in the national interest and that the international commitments and policies of the United States are honored; and

(14) there is no compelling reason to commercialize meteorological satellites at this time.

## PURPOSES

SEC. 102. The purposes of this Act are to—

(1) guide the Federal Government in achieving proper involvement of the private sector by providing a framework for phased commercialization of land remote sensing and by assuring continuous data availability to the Federal Government;

(2) maintain the United States' worldwide leadership in civil remote sensing, preserve its national security, and fulfill its international obligations;

(3) minimize the duration and amount of further Federal investment necessary to assure data continuity while achieving commercialization of civil remote sensing;

(4) provide for a comprehensive civilian program of research, development, and demonstration to enhance both the United States' capabilities for remote sensing from space and the application and utilization of such capabilities; and

(5) prohibit commercialization of meteorological satellites at this time.

## POLICIES

SEC. 103. (a) It shall be the policy of the United States to preserve its right to acquire and disseminate unenhanced remote-sensing data.

(b) It shall be the policy of the United States that civilian unenhanced remote-sensing data be made available to all potential users on a nondiscriminatory basis and in a manner consistent with applicable anti-trust laws.

(c) It shall be the policy of the United States both to commercialize those remote-sensing space systems that properly lend themselves to private sector operation and to avoid competition by the Government with such commercial operations, while continuing to preserve our national security, to honor our international obligations, and to retain in the Government those remote-

sensing functions that are essentially of a public service nature.

## DEFINITIONS

SEC. 104. For purposes of this Act—

(1) The term "Landsat system" means Landsats 1, 2, 3, 4, and 5, and any related ground equipment, systems, and facilities, and any successor civil land remote-sensing space systems operated by the United States Government prior to the commencement of the six-year period described in title III.

(2) The term "Secretary" means the Secretary of Commerce.

(3)(A) The term "nondiscriminatory basis" means without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 607) regarding delivery, format, financing, or technical considerations which would favor one buyer or class of buyers over another.

(B) The sale of data is made on a nondiscriminatory basis only if (i) any offer to sell or deliver data is published in advance in such manner as will ensure that the offer is equally available to all prospective buyers; (ii) the system operator has not established or changed any price, policy, procedure, or other term or condition in a manner which gives one buyer or class of buyer de facto favored access to data; (iii) the system operator does not make unenhanced data available to any purchaser on an exclusive basis; and (iv) in a case where a system operator offers volume discounts, such discounts are no greater than the demonstrable reductions in the cost of volume sales. The sale of data on a nondiscriminatory basis does not preclude the system operator from offering discounts other than volume discounts to the extent that such discounts are consistent with the provisions of this paragraph.

(C) The sale of data on a nondiscriminatory basis does not require (i) that a system operator disclose names of buyers or their purchases; (ii) that a system operator maintain all, or any particular subset of, data in a working inventory; or (iii) that a system operator expend equal effort in developing all segments of a market.

(4) The term "unenhanced data" means unprocessed or minimally processed signals or film products collected from civil remote-sensing space systems. Such minimal processing may include rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response. Such minimal processing does not include conclusions, manipulations, or calculations derived from such signals of film products or combination of the signals or film products with other data or information.

(5) The term "system operator" means a contractor under title II or title III or a license holder under title IV.

## TITLE II—OPERATION AND DATA MARKETING OF LANDSAT SYSTEM

## OPERATION

SEC. 201. (a) The Secretary shall be responsible for—

(1) the Landsat system, including the orbit, operation, and disposition of Landsats 1, 2, 3, 4, and 5; and

(2) provision of data to foreign ground stations under the terms of agreements between the United States Government and nations that operate such ground stations which are in force on the date of commencement of the contract awarded pursuant to this title.

(b) The provisions of this section shall not affect the Secretary's authority to contract for the operation of part or all of the Landsat system, so long as the United States Government retains—

- (1) ownership of such system;
- (2) ownership of the unenhanced data; and
- (3) authority to make decisions concerning operation of the system.

## CONTRACT FOR MARKETING OF UNENHANCED DATA

SEC. 202. (a) In accordance with the requirements of this title, the Secretary, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party (as defined by the Secretary) for the marketing of unenhanced data collected by the Landsat system. Any such contract—

(1) shall provide that the contractor set the prices of unenhanced data;

(2) may provide for financial arrangements between the Secretary and the contractor—including fees for operating the system, payments by the contractor as an initial fee or as a percentage of sales receipts, or other such considerations;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall provide that the contractor pay to the United States Government the full purchase price of any unenhanced data that the contractor elects to utilize for purposes other than sale;

(5) shall be entered into by the Secretary only if the Secretary has determined that such contract is likely to result in net cost savings for the United States Government; and

(6) may be rewarded competitively after the practical demise of the space segment of the Landsat system, as determined by the Secretary.

(b) Any contract authorized by subsection (a) may specify that the contractor use, and, at his own expense, maintain, repair, or modify, such elements of the Landsat system as the contractor finds necessary for commercial operations.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (B) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include information on the terms of the contract described in subsection (a).

(d) In defining "United States private sector party" for purposes of this Act, the Secretary may take into account the citizenship of key personnel, location of assets, foreign ownership, control, influence, and other such factors.

## CONDITIONS OF COMPETITION FOR CONTRACT

SEC. 203. (a) The Secretary shall, as part of the advertisement for the competition for the contract authorized by section 202, identify and publish the international obligations, national security concerns (with appropriate protection of sensitive information), domestic legal considerations, and any other standards or conditions which a private contractor shall be required to meet.

(b) In selecting a contractor under this title, the Secretary shall consider—

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(1) ability to market aggressively unenhanced data;

(2) the best overall financial return to the Government, including the potential cost savings to the Government that are likely to result from the contract;

(3) ability to meet the obligations, concerns, considerations, standards, and conditions identified under subsection (a);

(4) technical competence, including the ability to assure continuous and timely delivery of data from the Landsat system;

(5) ability to effect a smooth transition with the contractor selected under title III; and

(6) such other factors as the Secretary deems appropriate and relevant.

(c) If, as a result of the competitive process required by section 202(a), the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 120 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. In the event that no acceptable proposal is received, the Secretary shall continue to market data from the Landsat system.

(d) A contract awarded under section 202 may, in the discretion of the Secretary, be combined with the contract required by title III, pursuant to section 304(b).

## SALE OF DATA

SEC. 204. (a) After the date of the commencement of the contract described in section 202(a), the contractor shall be entitled to revenues from sales of copies of data from the Landsat system, subject to the conditions specified in sections 601 and 602.

(b) The contractor may continue to market data previously generated by the Landsat system after the demise of the space segment of that system.

## FOREIGN GROUND STATIONS

SEC. 205. (a) The contract under this title shall provide that the contractor shall act as the agent of the Secretary by continuing to supply unenhanced data to foreign ground stations for the life, and according to the terms, of those agreements between the United States Government and such foreign ground stations that are in force on the date of the commencement of the contract.

(b) Upon the expiration of such agreements, or in the case of foreign ground stations that have no agreement with the United States on the date of commencement of the contract, the contract shall provide—

(1) that unenhanced data from the Landsat system shall be made available to foreign ground stations only by the contractor; and

(2) that such data shall be made available on a nondiscriminatory basis.

## TITLE III—PROVISION OF DATA CONTINUITY AFTER THE LANDSAT SYSTEM

## PURPOSES AND DEFINITION

SEC. 301. (a) It is the purpose of this title—

(1) to provide, in an orderly manner and with minimal risk, for a transition from Government operation to private, commercial operation of civil land remote-sensing systems; and

(2) to provide data continuity for six years after the practical demise of the space segment of the Landsat system.

(b) For purposes of this title, the term "data continuity" means the continued availability of unenhanced data—

(1) including data which are from the point of view of a data user—

(A) functionally equivalent to the multispectral data generated by the Landsat 1 and 2 satellites; and

(B) compatible with such data and with equipment used to receive and process such data; and

(2) at an annual volume at least equal to the Federal usage during fiscal year 1983.

(c) Data continuity may be provided using whatever technologies are available.

## DATA CONTINUITY AND AVAILABILITY

SEC. 302. The Secretary shall solicit proposals from United States private sector parties (as defined by the Secretary pursuant to section 202) for a contract for the development and operation of a remote-sensing space system capable of providing data continuity for a period of six years and for marketing unenhanced data in accordance with the provisions of sections 601 and 602. Such proposals, at a minimum, shall specify—

(1) the quantities and qualities of unenhanced data expected from the system;

(2) the projected date upon which operations could begin;

(3) the number of satellites to be constructed and their expected lifetimes;

(4) any need for Federal funding to develop the system;

(5) any percentage of sales receipts or other returns offered to the Federal Government;

(6) plans for expanding the market for land remote-sensing data; and

(7) the proposed procedures for meeting the national security concerns and international obligations of the United States in accordance with section 607.

## AWARDING OF THE CONTRACT

SEC. 303. (a)(1) In accordance with the requirements of this title, the Secretary shall evaluate the proposals described in section 302 and, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party for the capability of providing data continuity for a period of six years and for marketing unenhanced data.

(2) Before commencing space operations the contractor shall obtain a license under title IV.

(b) As part of the evaluation described in subsection (a), the Secretary shall analyze the expected outcome of each proposal in terms of—

(1) the net cost to the Federal Government of developing the recommended system;

(2) the technical competence and financial condition of the contractor;

(3) the availability of such data after the expected termination of the Landsat system;

(4) the quantities and qualities of data to be generated by the recommended system;

(5) the contractor's ability to supplement the requirement for data continuity by adding, at the contractor's expense, remote-sensing capabilities which maintain United States leadership in remote sensing;

(6) the potential to expand the market for data;

(7) expected returns to the Federal Government based on any percentage of data sales or other such financial consideration offered to the Federal Government in accordance with section 305;

(8) the commercial viability of the proposal;

(9) the proposed procedures for satisfying the national security concerns and international obligations of the United States;

(10) the contractor's ability to effect a smooth transition with any contractor selected under title II; and

(11) such other factors as the Secretary deems appropriate and relevant.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (1) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (2) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include the information specified in subsection (a).

(d) If, as a result of the competitive process required by this section, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 180 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. Not earlier than 90 days after such certification and report, the Secretary may assure data continuity by procurement and operation by the Federal Government of the necessary systems, to the extent provided in advance by appropriation Acts.

## TERMS OF CONTRACT

SEC. 304. (a) Any contract entered into pursuant to this title—

(1) shall be entered into as soon as practicable, allowing for the competitive procurement process required by this title;

(2) shall, in accordance with criteria determined and published by the Secretary, reasonably assure data continuity for a period of six years, beginning as soon as practicable in order to minimize any interruption of data availability;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall not provide a guarantee of data purchases from the contractor by the Federal Government;

(5) may provide that the contractor utilize, on a space-available basis, a civilian United States Government satellite or vehicle as a platform for a civil land remote-sensing space system, if—

(A) the contractor agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(B) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for the civilian platform; and

(6) may provide financial support by the United States Government, for a portion of

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the capital costs required to provide data continuity for a period of six years, in the form of loans, loan guarantees, or payments pursuant to section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).

(b)(1) Without regard to whether any contract entered into under this title is combined with a contract under title II, the Secretary shall promptly determine whether the contract entered into under this title reasonably effectuates the purposes and policies of title II. Such determination shall be submitted to the President and the Congress, together with a full statement of the basis for such determination.

(2) If the Secretary determines that such contract does not reasonably effectuate the requirements of title II, the Secretary shall promptly carry out the provisions of such title to the extent provided in advance in appropriations acts.

## MARKETING

Sec. 305. (a) In order to promote aggressive marketing of land remote-sensing data, any contract entered into pursuant to this title may provide that the percentage of sales paid by the contractor to the Federal Government shall decrease according to stipulated increases in sales levels.

(b) After the six-year period described in section 304(a)(2), the contractor may continue to sell data. If licensed under title IV, the contractor may continue to operate a civil remote-sensing space system.

## REPORT

Sec. 306. Two years after the date of the commencement of the six-year period described in section 304(a)(2), the Secretary shall report to the President and to the Congress on the progress of the transition to fully private financing, ownership, and operation of remote-sensing space systems, together with any recommendations for actions, including actions necessary to ensure United States leadership in civilian land remote sensing from space.

## TERMINATION OF AUTHORITY

Sec. 307. The authority granted to the Secretary by this title shall terminate 10 years after the date of enactment of this Act.

## TITLE IV—LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

## GENERAL AUTHORITY

Sec. 401. (a)(1) In consultation with other appropriate Federal agencies, the Secretary is authorized to license private sector parties to operate private remote-sensing space systems for such period as the Secretary may specify and in accordance with the provisions of this title.

(2) In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this title shall be limited only to the remote sensing operations of such space system.

(b) No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this Act, any regulations issued pursuant to this Act, and any applicable international obligations and national security concerns of the United States.

(c) The Secretary shall review any application and make a determination thereon within 120 days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.

(d) The Secretary shall not deny such license in order to protect any existing licensee from competition.

## CONDITIONS FOR OPERATION

Sec. 402. (a) No person who is subject to the jurisdiction or control of the United States may, directly or through any subsidiary or affiliate, operate any private remote-sensing space system without a license pursuant to section 401.

(b) Any license issued pursuant to this title shall specify, at a minimum, that the licensee shall comply with all of the requirements of this Act and shall—

(1) operate the system in such manner as to preserve and promote the national security of the United States and to observe and implement the international obligations of the United States in accordance with section 607;

(2) make unenhanced data available to all potential users on a nondiscriminatory basis;

(3) upon termination of operations under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(4) promptly make available all unenhanced data which the Secretary may request pursuant to section 602;

(5) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(6) notify the Secretary of any agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities;

(7) permit the inspection by the Secretary of the licensee's equipment, facilities, and financial records;

(8) surrender the license and terminate operations upon notification by the Secretary pursuant to section 403(a)(1); and

(9)(A) notify the Secretary of any "value added" activities (as defined by the Secretary by regulation) that will be conducted by the licensee or by a subsidiary or affiliate; and

(B) if such activities are to be conducted, provide the Secretary with a plan for compliance with the provisions of this Act concerning nondiscriminatory access.

## ADMINISTRATIVE AUTHORITY OF THE SECRETARY

Sec. 403. (a) In order to carry out the responsibilities specified in this title, the Secretary may—

(1) grant, terminate, modify, condition, transfer, or suspend licenses under this title, and upon notification of the licensee may terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provision of this Act, with any regulation issued under this Act, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(2) inspect the equipment, facilities, or financial records of any licensee under this title;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this title, including civil penalties not to exceed \$10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

(4) compromise, modify, or remit any such civil penalty;

(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

(6) seize any object, record, or report where there is probable cause to believe that such object, record, or report was used,

is being used, or is likely to be used in violation of this Act or the requirements of a license or regulation issued thereunder; and

(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this Act.

(b) Any applicant or licensee who makes a timely request for review of an adverse action pursuant to subsection (a)(1), (a)(3), or (a)(6) shall be entitled to adjudication by the Secretary on the record after an opportunity for an agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5, United States Code.

## REGULATORY AUTHORITY OF THE SECRETARY

Sec. 404. The Secretary may issue regulations to carry out the provisions of this title. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5, United States Code.

## AGENCY ACTIVITIES

Sec. 405. (a) A private sector party may apply for a license to operate a private remote-sensing space system which utilizes, on a space available basis, a civilian United States Government satellite or vehicle as a platform for such system. The Secretary, pursuant to the authorities of this title, may license such system if it meets all conditions of this title and—

(1) the system operator agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(2) such utilization would not interfere with or otherwise compromise intended civilian government missions, as determined by the agency responsible for such civilian platform.

(b) The Secretary may offer assistance to private sector parties in finding appropriate opportunities for such utilization.

(c) To the extent provided in advance by appropriation Acts, any Federal agency may enter into agreements for such utilization if such agreements are consistent with such agency's mission and statutory authority, and if such remote-sensing space system is licensed by the Secretary before commencing operation.

(d) The provisions of this section do not apply to activities carried out under title V.

(e) Nothing in this title shall affect the authority of the Federal Communications Commission pursuant to the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.).

## TERMINATION

Sec. 406. If, five years after the expiration of the six-year period described in section 304(a)(2), no private sector party has been licensed and continued in operation under the provisions of this title, the authority of this title shall terminate.

## TITLE V—RESEARCH AND DEVELOPMENT

## CONTINUED FEDERAL RESEARCH AND DEVELOPMENT

Sec. 501. (a)(1) The Administrator of the National Aeronautics and Space Administration is directed to continue and to enhance such Administration's programs of remote-sensing research and development.

(2) The Administrator is authorized and encouraged to—

(A) conduct experimental space remote-sensing programs (including applications

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demonstration programs and basic research at universities;

(B) develop remote-sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(C) conduct such research and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(b)(1) The Secretary is directed to conduct a continuing program of—

(A) research in applications of remote-sensing;

(B) monitoring of the Earth and its environment; and

(C) development of technology for such monitoring.

(2) Such program may include support of basic research at universities and demonstrations of applications.

(3) The Secretary is authorized and encouraged to conduct such research, monitoring, and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(c)(1) In order to enhance the United States' ability to manage and utilize its renewable and nonrenewable resources, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to conduct programs of research and development in the applications of remote sensing using funds appropriated for such purposes.

(2) Such programs may include basic research at universities, demonstrations of applications, and cooperative activities involving other government agencies, private sector parties, and foreign and international organizations.

(d) Other Federal agencies are authorized and encouraged to conduct research and development on the use of remote sensing in fulfillment of their authorized missions, using funds appropriated for such purposes.

(e) The Secretary and the Administrator of the National Aeronautics and Space Administration shall, within one year after the date of enactment of this Act and biennially thereafter, jointly develop and transmit to the Congress a report which includes (1) a unified national plan for remote-sensing research and development applied to the Earth and its atmosphere; (2) a compilation of progress in the relevant ongoing research and development activities of the Federal agencies; and (3) an assessment of the state of our knowledge of the Earth and its atmosphere, the needs for additional research (including research related to operational Federal remote-sensing space programs), and opportunities available for further progress.

#### USE OF EXPERIMENTAL DATA

Sec. 502. Data gathered in Federal experimental remote-sensing space programs may be used in related research and development programs funded by the Federal Government (including applications programs) and cooperative research programs, but not for commercial uses or in competition with private sector activities, except pursuant to section 503.

#### SALE OF EXPERIMENTAL DATA

Sec. 503. Data gathered in Federal experimental remote-sensing space programs may

be sold en bloc through a competitive process (consistent with national security interests and international obligations of the United States and in accordance with section 607) to any United States entity which will market the data on a nondiscriminatory basis.

#### TITLE VI—GENERAL PROVISIONS

##### NONDISCRIMINATORY DATA AVAILABILITY

Sec. 601. (a) Any unenhanced data generated by any system operator under the provisions of this Act shall be made available to all users on a nondiscriminatory basis in accordance with the requirements of this Act.

(b) Any system operator shall make publicly available the prices, policies, procedures, and other terms and conditions (but, in accordance with section 104(3)(C), not necessarily the names of buyers or their purchases) upon which the operator will sell such data.

##### ARCHIVING OF DATA

Sec. 602. (a) It is in the public interest for the United States Government—

(1) to maintain an archive of land remote-sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;

(2) to control the content and scope of the archive; and

(3) to assure the quality, integrity, and continuity of the archive.

(b) The Secretary shall provide for long-term storage, maintenance, and upgrading of a basic, global, land remote-sensing data set (hereinafter referred to as the "basic data set") and shall follow reasonable archival practices to assure proper storage and preservation of the basic data set and timely access for parties requesting data. The basic data set which the Secretary assembles in the Government archive shall remain distinct from any inventory of data which a system operator may maintain for sales and for other purposes.

(c) In determining the initial content of, or in upgrading, the basic data set, the Secretary shall—

(1) use as a baseline the data archived on the date of enactment of this Act;

(2) take into account future technical and scientific developments and needs;

(3) consult with and seek the advice of users and producers of remote-sensing data and data products;

(4) consider the need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

(5) include, as the Secretary considers appropriate, unenhanced data generated either by the Landsat system, pursuant to title III, or by licensees under title IV;

(6) include, as the Secretary considers appropriate, data collected by foreign ground stations or by foreign remote-sensing space systems; and

(7) ensure that the content of the archive is developed in accordance with section 607.

(d) Subject to the availability of appropriations, the Secretary shall request data needed for the basic data set and pay to the providing system operator reasonable costs for reproduction and transmission. A system operator shall promptly make requested data available in a form suitable for processing for archiving.

(e) Any system operator shall have the exclusive right to sell all data that the operator provides to the United States remote-sensing data archive for a period to be determined by the Secretary but not to exceed ten years from the date the data are sensed. In the case of data generated from the Landsat system prior to the implementation

of the contract described in section 202(a), any contractor selected pursuant to section 202 shall have the exclusive right to market such data on behalf of the United States Government for the duration of such contract. A system operator may relinquish the exclusive right and consent to distribution from the archive before the period of exclusive right has expired by terminating the offer to sell particular data.

(f) After the expiration of such exclusive rights to sell, or after relinquishment of such right, the data provided to the United States remote-sensing data archive shall be in the public domain and shall be made available to requesting parties by the Secretary at prices reflecting reasonable costs of reproduction and transmittal.

(g) In carrying out the functions of this section, the Secretary shall, to the extent practicable and as provided in advance by appropriation Acts, use existing Government facilities.

##### NONREPRODUCTION

Sec. 603. Unenhanced data distributed by any system operator under the provisions of this Act may be sold on the condition that such data will not be reproduced or disseminated by the purchaser.

##### REIMBURSEMENT FOR ASSISTANCE

Sec. 604. The Administrator of the National Aeronautics and Space Administration, the Secretary of Defense and the heads of other Federal agencies may provide assistance to system operators under the provisions of this Act. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

##### ACQUISITION OF EQUIPMENT

Sec. 605. The Secretary may, by means of a competitive process, allow a licensee under title IV or any other private party to buy, lease, or otherwise acquire the use of equipment from the Landsat system, when such equipment is no longer needed for the operation of such system or for the sale of data from such system. Officials of other Federal civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out the provisions of this section.

##### RADIO FREQUENCY ALLOCATION

Sec. 606. (a) Within 30 days after the date of enactment of this Act, the President (or the President's delegate, if any, with authority over the assignment of frequencies to radio stations or classes of radio stations operated by the United States) shall make available for non-government use spectrum presently allocated to government use, for use by United States Landsat and commercial remote-sensing space systems. The spectrum to be so made available shall conform to any applicable international radio or wire treaty or convention, or regulations annexed thereto. Within 90 days thereafter, the Federal Communications Commission shall utilize appropriate procedures to authorize the use of such spectrum for non-governmental use. Nothing in this section shall preclude the ability of the Commission to allocate additional spectrum to commercial land remote-sensing space satellite system use.

(b) To the extent required by the Communications Act of 1934, as amended (47 U.S.C. 151 et. seq.), an application shall be filed with the Federal Communications Commission for any radio facilities involved with the commercial remote-sensing space system.

(c) It is the intent of Congress that the Federal Communications Commission complete the radio licensing process under the Communications Act of 1934, as amended (47 U.S.C. 151 et. seq.), upon the application



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of any private sector party or consortium operator of any commercial land remote-sensing space system subject to this Act, within 120 days of the receipt of an application for such licensing. If final action has not occurred within 120 days of the receipt of such an application, the Federal Communications Commission shall inform the applicant of any pending issues and of actions required to resolve them.

(d) Authority shall not be required from the Federal Communications Commission for the development and construction of any United States land remote-sensing space system (or component thereof), other than radio transmitting facilities or components, while any licensing determination is being made.

(e) Frequency allocations made pursuant to this section by the Federal Communications Commission shall be consistent with international obligations and with the public interest.

## CONSULTATION

SEC. 607. (a) The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary promptly of such conditions.

(b)(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions.

(2) Appropriate Federal agencies are authorized and encouraged to provide remote-sensing data, technology, and training to developing nations as a component of programs of international aid.

(3) The Secretary of State shall promptly report to the Secretary any instances outside the United States of discriminatory distribution of data.

(c) If, as a result of technical modifications imposed on a system operator on the basis of national security concerns, the Secretary, in consultation with the Secretary of Defense or with other Federal agencies, determines that additional costs will be incurred by the system operator, or that past development costs (including the cost of capital) will not be recovered by the system operator, the Secretary may require the agency or agencies requesting such technical modifications to reimburse the system operator for such additional or development costs, but not for anticipated profits. Reimbursements may cover costs associated with required changes in system performance, but not costs ordinarily associated with doing business abroad.

## AMENDMENT TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1983

SEC. 608. Subsection (a) of section 201 of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1601) is amended to read as follows:

"(a) The Secretary of Commerce is authorized to plan and provide for the management and operation of civil remote-sensing space systems, which may include the Landsat 4 and 5 satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the operation of civil remote-sensing space systems to the

private sector when in the national interest."

## AUTHORIZATION OF APPROPRIATIONS

SEC. 609. (a) There are authorized to be appropriated to the Secretary \$75,000,000 for fiscal year 1985 for the purpose of carrying out the provisions of this Act. Such sums shall remain available until expended, but shall not become available until the time periods specified in section 202(c) and 303(c) have expired.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized pursuant to title II of the National Aeronautics and Space Administration Authorization Act, 1983.

## TITLE VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

## PROHIBITION

SEC. 701. Neither the President nor any other official of the Government shall make any effort to lease, sell, or transfer to the private sector, commercialize, or in any way dismantle any portion of the weather satellite systems operated by the Department of Commerce or any successor agency.

## FUTURE CONSIDERATIONS

SEC. 702. Regardless of any change in circumstances subsequent to the enactment of this Act, even if such change makes it appear to be in the national interest to commercialize weather satellites, neither the President nor any official shall take any action prohibited by section 701 unless this title has first been repealed.

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I have no objection, but I would like to engage in a colloquy with the gentleman.

I want to tell the gentleman from Florida that I agree completely with the objectives of this legislation, and that is the privatization of the Landsat system, because I think that is the entire object of the space program.

I would like to ask the gentleman, in the event, the explanation of the legislation says that if the Secretary receives no acceptable proposal under title III, then it is the clear intent of the Congress that the Secretary should assure data continuity by developing a land remote sensing space system to be procured and operated by the Federal Government.

Now, my question is that if there is a company, say there is not an acceptable proposal made, that the Government then does not have to provide that service if there is, as a matter of fact, the private company that will say we will provide that on our own. It is not mandatory that the Government do it if a private company would do it?

Mr. FUQUA. If the gentleman would yield, that is my understanding also.

Mr. LUJAN. I just wanted to clear that portion because the explanation on the legislation was a little fuzzy.

I thank the gentleman.

Mr. SCHEUER. Mr. Speaker, I rise in strong support of the compromise amendment to H.R. 5155.

This amendment preserves the essence of the House position, while accommodating the legitimate concerns of our colleagues in the other body.

The modifications to the bill as passed by the House in April were amply delineated by my distinguished colleague, the chairman of the Committee on Science and Technology [Mr. FUQUA].

This legislation strikes an appropriate balance between the interests of the private sector in space commercialization and the legitimate public interest in maintaining our national security and international obligations.

The international and national security aspects of remote sensing are precisely the areas which necessitate continuing Government oversight and the area of national security. It would clearly be inappropriate for the United States to engage in activities that amount to intelligence gathering as a commercial enterprise.

In the area of international relations, the Landsat program has served as a valuable foreign policy tool for over a decade, in a number of direct and indirect ways.

We have provided data, services, and training in land remote sensing as a form of foreign aid to over 40 nations worldwide.

By the same token, these exchanges have helped to open lines of communication between U.S. political and business interests and the governmental and technical infrastructure of these nations.

Further, by providing land remote-sensing data without prejudice or favored access, the U.S. civil remote-sensing program has been free from charges of military surveillance or economic exploitation.

By maintaining this high ground, we have been able to argue credibly in international fora that any nation should have a right to observe any other country from space—the so-called open skies policy which has served our national interests well since its first articulation by President Eisenhower.

Mr. Speaker, the United States through the National Aeronautics and Space Administration, developed the land remote-sensing technology and brought it to where it stands today—at the brink of commercial exploitation.

This legislation will enable our aerospace companies to compete effectively.

They support the legislation, as does the administration and a bipartisan coalition on the committee.

This is a good bill, and I urge all Members to lend their strong support.

(Mr. SCHEUER asked and was given permission to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, I withdraw my resolution of objection.

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The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered, and also on the conference report on H.R. 5154, the National Aeronautics and Space Administration Authorization Act.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

### CONFERENCE REPORT ON H.R. 5154, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1985

Mr. FUQUA. Mr. Speaker, I call up the conference report on the bill (H.R. 5154) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and ask unani-

mous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. Does the gentleman ask that the statement be read?

Mr. FUQUA. Yes, Mr. Speaker. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Wednesday, June 27, 1984, at page H 7140.)

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Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. FUQUA] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FUQUA]

Mr. FUQUA. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAKER, the committee of conference for the bill H.R. 5154, authorizing funds for the National Aeronautics and Space Administration for fiscal year 1985 has successfully concluded its work.

The conference report on H.R. 5154, authorizing appropriations for the National Aeronautics and Space Administration, was filed on Wednesday, June 27, and is included in the RECORD of that day. The conference report before you includes the disposition of differences in four research and development program line items, three space flight, control, and data communication line items, construction of facilities program funding, the research and program management line item, a number of language amendments, as well as differences in title II which would establish a National Commission on Space.

The NASA budget request for fiscal year 1985 was \$7,491,400,000. The action of the House/Senate conference would authorize \$7,526,400,000, which is \$35 million more than the budget request.

The conference action before us represents a fair compromise between the action of the two Houses. The conference action is \$36.4 million more than the House action and \$56 million less than the Senate action.

I am including in the RECORD a summary of the action taken by the committee of conference.

## SUMMARY OF ADJUSTMENTS TO H.R. 5154—NASA FY 1985 AUTHORIZATION

Program	Budget Request	House action	Senate action	Substitute amendment
<b>Research and development</b>				
1 (a) (1) space transportation cap. dev.	\$361,400,000	\$346,400,000	\$356,400,000	\$351,400,000
1 (a) (2) space station	150,000,000	150,000,000	150,000,000	150,000,000
1 (a) (3) physics and astronomy	677,200,000	687,200,000	705,200,000	695,200,000
1 (a) (4) life sciences	63,300,000	63,300,000	63,300,000	63,300,000
1 (a) (5) planetary exploration	286,900,000	296,900,000	296,900,000	296,900,000
1 (a) (6) space applications	344,100,000	384,100,000	407,100,000	390,100,000
1 (a) (7) technology utilization	9,500,000	9,500,000	9,500,000	9,500,000
1 (a) (8) aeronautical research and tech.	0	0	5,000,000	0
1 (a) (9) space research and tech.	342,400,000	347,400,000	357,400,000	352,400,000
1 (a) (10) tracking and data acquisition	150,000,000	150,000,000	150,000,000	150,000,000
1 (a) (11) tracking and data acquisition	15,300,000	15,300,000	15,300,000	15,300,000
<b>Total, research and development</b>	<b>2,490,100,000</b>	<b>2,450,100,000</b>	<b>2,516,100,000</b>	<b>2,475,100,000</b>
<b>Space flight, control and data com.</b>				
1 (b) (1) space shuttle prod./oper. cap.	1,465,600,000	1,490,600,000	1,470,600,000	1,470,600,000
1 (b) (2) space transportation oper.	1,339,000,000	1,329,000,000	1,319,000,000	1,319,000,000
1 (b) (3) space tracking and data acq.	795,700,000	780,700,000	795,700,000	795,700,000
<b>Total, space flight, control and data communications</b>	<b>3,600,300,000</b>	<b>3,600,300,000</b>	<b>3,585,300,000</b>	<b>3,585,300,000</b>
1 (c) construction of facilities	150,000,000	150,000,000	150,000,000	150,000,000
1 (d) research and program management	1,331,000,000	1,331,000,000	1,331,000,000	1,316,000,000
<b>Subtotal</b>	<b>7,491,400,000</b>	<b>7,531,400,000</b>	<b>7,582,400,000</b>	<b>7,526,400,000</b>
<b>General reduction</b>	<b>0</b>	<b>41,400,000</b>	<b>0</b>	<b>0</b>
<b>Grand total</b>	<b>7,491,400,000</b>	<b>7,490,000,000</b>	<b>7,582,400,000</b>	<b>7,526,400,000</b>

I want to acknowledge the efforts of the House conferees and the staff on both sides of the aisle in completing this conference.

I urge the support of my colleagues for this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report simply because it is

an accommodation that we had to come to. I am not pleased with the figures. As the House may remember, we had an amendment that cut the authorization, as it came out of committee, by some \$40 million. The Senate was \$92 million above that figure and we compromised at a \$35 million figure above the administration and above, frankly, the appropriations of both the House and the Senate.

But sometimes we have to give in on certain aspects, even though I do not believe that any Member of the House was particularly happy to come back to the House with a figure of \$35 million above what we went in with. However, there are three or four different initiatives in this bill that are most important. Knowing that we cannot spend more than the administration request or the amount that we went